

# In The United States Court of Federal Claims

No. 12-00047C

(Filed: February 27, 2012)

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INTERNATIONAL GENOMICS  
CONSORTIUM

Plaintiff,

v.

THE UNITED STATES,

Defendant.

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## ORDER

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The court is inclined to grant, in part, plaintiff's motion to compel supplementation of the administrative record in this case to include documentary evidence, including electronic mail, relevant to plaintiff's claims of bias, bad faith, conflict of interest and improper motive. In the court's view, it appears that the standard described in *Beta Analytics Int'l Inc. v. United States*, 61 Fed. Cl. 223 (2004) for allowing such supplementation has been satisfied here. *See also L-3 Comms. Integrated Sys. v. United States*, 91 Fed. Cl. 347 (2010), *as modified*, 98 Fed. Cl. 45 (2011). The court does not believe that it lacks jurisdiction to consider evidence that may bear on the legality of the procurement decision at issue. A status conference has been scheduled to discuss this matter.

Prior to that conference, the parties shall consult in effort to come to agreement as to the scope of any supplementation of the record. The parties shall also discuss a short extension of the schedule in this case to accommodate the possible supplementation of the record. Barring agreement by the parties on all or part of these matters, the court will order such supplementation as it believes is appropriate and will extend the schedule to accommodate whatever supplementation of the record is appropriate.

**IT IS SO ORDERED.**

s/ Francis M. Allegra

Francis M. Allegra

Judge